

June 1, 2018

VIA ECFS

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Presentation
WC Docket Nos. 10-90, 07-135 & 18-155; CC Docket No. 01-92

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter provides notice that on May 30, 2018, John Barnicle, President and Chief Executive Officer of Peerless Network, Inc. ("Peerless"), along with the undersigned counsel and Susan Goldhar Ornstein, counsel for Peerless, met with Jay Schwarz, Wireline Advisor to Chairman Pai.¹ On May 31, 2018, John Barnicle and the undersigned counsel met with Amy Bender, Legal Advisor, Wireline, to Commissioner O'Rielly.²

During these meetings, Peerless expressed its support for the Commission's *Proposed NPRM to Eliminate Access Arbitrage* on circulation³ and emphasized that it appreciates the Commission's efforts to address and stop arbitrage issues in the industry. Peerless also emphasized that while the *Proposed NPRM to Eliminate Access Arbitrage* focuses on arbitrage schemes that exploit Centralized Equal Access ("CEA") networks, a far more serious problem exists with respect to the arbitrage schemes being perpetrated by national commercial mobile radio service

¹ John Barnicle and Susan Goldhar Ornstein participated in this meeting via teleconference.

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³ *Updating the Inter-carrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-155, Notice of Proposed Rulemaking, FCC-CIRC1806-06 ("*Proposed NPRM to Eliminate Access Arbitrage*").

(“CMRS”) providers. In particular, Peerless discussed the issues raised in its March 15, 2018 letter⁴ and previous filings concerning T-Mobile’s unlawful refusal to offer direct connects for wholesale traffic and forcing terminating traffic to be routed through T-Mobile’s intermediate carrier partner, Inteliquent.⁵ Peerless also provided a brief overview of the direct connect issues Peerless has observed with other national wireless providers. In addition, Peerless highlighted its support for CenturyLink’s proposed direct connect rule,⁶ which would address the issues Peerless and other carriers face.

At the close of the meeting, Peerless urged the Commission to supplement the *NPRM to Eliminate Access Arbitrage* to include further details on CenturyLink’s proposal and include its proposed rule in Appendix A of this draft item.

If you have questions or need additional information, do not hesitate to contact me.

Sincerely,



Philip J. Macres

Counsel for Peerless Network, Inc.

cc (via email):

Jay Schwarz
Amy Bender

⁴ See Letter from John Barnicle, President and Chief Executive Officer, Peerless Network, Inc. and Philip Macres, Counsel for Peerless, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90 & 07-135; CC Docket No. 01-92 (dated Mar. 15, 2018).

⁵ See, e.g., *id.* at nn.3, 6, 9, & 16.

⁶ Letter from Timothy M. Boucher, Associate General Counsel, CenturyLink to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90, 07-135, & 18-155; CC Docket No. 01-92 (filed May 21, 2018).